

REMARKS

Upon entry of the foregoing Amendment, claims 1-16 are pending. No claims are amended; claim 17 has been cancelled without prejudice or disclaimer; no claims are added.

In view of the foregoing Amendment and following remarks, allowance of the pending claims is requested.

Drawings

The Examiner alleges that button 313 is missing from FIG. 4. As set forth above, and described below, Applicants have corrected the Specification to recite that function buttons 311, 312, and 314 are used.

FIG. 6A of the formal drawings filed on November 21, 2001, includes errors that were not present in FIG. 6A as originally filed. As such, Applicants have filed a corrected FIG. 6A which corresponds to the originally filed FIG. 6A. Thus, no new matter has been added.

Applicants respectfully request that the Examiner enter the Amendment to the drawings and approve the changes.

Specification

The Specification has been amended to correct minor informalities identified by the Examiner. Applicants submit that the changes to the Specification described above do not constitute the addition of new matter, as support for the Amendments to the Specification is provided throughout the as-filed Specification and drawing figures. Accordingly, Applicants request that the Examiner enter the Amendment to the Specification and approve the changes.

Rejection Under 35 U.S.C. § 101

The Examiner has rejected claim 17 under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. Applicants traverse this rejection. However, solely for the purposes of expediting prosecution, Applicants have cancelled claim 17.

Rejections Under 35 U.S.C. §103

The Examiner has rejected claims 1, 3-12 and 14-16 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,407,680 to Lai et al. ("Lai") and U.S. Patent No. 5,918,013 to Mighdoll et al. ("Mighdoll"). The Examiner has also rejected claims 2 and 13 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,407,680 to Lai et al. ("Lai"), U.S. Patent No. 5,918,013 to Mighdoll et al ("Mighdoll"), and International Publication No. WO 02/19701 A1 by Novak ("Novak"). Applicants traverse these rejections for at least the reason that the Examiner has failed to establish a *prima facie* case of obviousness.

Three requirements must be met to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a). The requirements are: (1) the prior art must teach or suggest all the claim's limitations; (2) there must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings; and (3) there must be a reasonable expectation of success. MPEP §2142.

Regarding independent claim 1, the Examiner acknowledges that Lai fails to teach creating a media database entity, wherein the media database entity stores data attributes that relate to specific physical media files having a common input source, as recited in claim 1. See Office Action mailed Nov. 5, 2004 ("Office Action"), pg. 5. The Examiner also acknowledges that Lai fails to teach creating a release database entity, wherein the release database entity stores data attributes that relate the received data set to one physical media file and one media database entity, as recited by Applicants in claim 1. See Office Action, pg. 5. Apparently, the Examiner relies on Mighdoll to make up for these deficiencies.

However, neither Lai nor Mighdoll provide the requisite motivation for one of ordinary skill to combine the teachings of these references in the manner set forth by the Examiner. Lai apparently relates to a system and method for transcoding files. Mighdoll apparently relates to a system and method for a Web-TV service. As such, Lai and Mighdoll appear to belong to non-analogous fields of art. Because Lai and

Mighdoll are non-analogous art, one or ordinary skill would not reasonably be expected to have a motivation to combine the features therein to teach or suggest all of the features of claim 1.

Even if the references are properly combinable, the combination of Lai and Mighdoll does not teach or suggest the features of claim 1. For example, claim 1 recites, *inter alia*, “*creating a release database entity, wherein the release database entity stores data attributes that relate the received data set to one physical media file and one media database entity.*” In the Office Action, at pgs. 5 – 6, the Examiner alleges that the these features are taught by Mighdoll, at col. 5, ll. 31-67, and col. 6, ll. 1-67. Applicants disagree.

The passages of Mighdoll relied upon by the examiner appear to relate to caching web pages in a television-based web browsing system. These passages do not teach or suggest a database entity that stores data attributes that relate a received data set (which is indicative of a “delivery setting”) to a physical media file and a media database entity. At best, the passages of Mighdoll relied upon by the Examiner teach a document database in which information regarding the documents in the document database is stored, not information that relates a “delivery setting” to a physical media file and a media database entity. Mighdoll is silent with regard to this feature of the invention.

Additionally, claim 1 recites, *inter alia*, “*generating a location data set that communicates the data attributes of the release database entity...*” In the Office Action, at pg. 5, the Examiner alleges that this feature is taught by Lai at col. 13, ll. 11-16. Applicants disagree.

The passages of Lai relied upon by the Examiner appear to relate to “the identity and location of” an archived master file. These passages do not teach or suggest a data set that communicates data attributes of a “release database entity” (which, as mentioned above, store data attributes relating a delivery setting to a physical media file and a media database entry). At best, the passages of Lai relied upon by the Examiner teach a location and source type of a master file. These do not teach or suggest data that communicates a “release database entity.” Lai is silent with regard to this feature of the invention.

The passages of Lai relied upon by the Examiner do not teach or suggest generating a location data set that communicates the data attributes of the release database entity.” As recited in claim 1, generation of the location data set requires that the location data set communicate the data attributes of the release database entity. The Examiner acknowledges that Lai does not teach or suggest creation of a release database entity. Therefore, generation of the location data set cannot be taught in Lai.

Accordingly, the Examiner has not shown that Lai and Mighdoll, even when combined, teach or suggest all the elements of claim 1. Thus, the Examiner has not established a *prima facie* case of obviousness for claim 1 and the rejection thereto must be withdrawn.

Claims 12, 14, and 15 include features similar to those discussed above with regard to claim 1. For at least these reasons, claims 12, 14, and 15 are patentable over the references relied upon by the Examiner.

Claims 2-6, 13, and 16 depend from and add features to one or claims 1, 12, 14, or 15. For at least these reasons, these dependent claims are also patentable over the references relied upon by the Examiner.

Regarding independent claim 7, as set forth above, one of skill in the art would not have motivation to combine Lai and Mighdoll to teach or suggest all of the features of claim 7.

Even if the references are properly combinable, the combination of Lai and Mighdoll does not teach or suggest the features of claim 7. For example, claim 7 recites, *inter alia*, “*generating an instruction set indicative of a location of the media file by the use of a database, wherein the database architecture comprises a plurality of media and release entities...*” In the Office Action, at pgs. 7 – 8, the Examiner alleges that the these features are taught by Mighdoll, at col. 12, ll. 53-67, and col. 13, ll. 1-29. Applicants disagree.

The passages of Mighdoll relied upon by the Examiner appear to relate to forwarding or redirecting HTML documents using a forwarding or redirecting address. However, these passages do not appear to teach or suggest a database architecture comprising a “*plurality of media and release entities*” that are used to indicate a location address of a media file associated with the “*plurality of media and*

release entities," as present in claim 7. At best, the passages of Mighdoll relied upon by the Examiner appear to relate to a single URL address. This does not teach or suggest a plurality of media and release entities. Mighdoll is silent with regard to this feature of the invention.

As such, the Examiner has not shown that Lai and Mighdoll, even when combined, teach or suggest all the elements of claim 7. Thus, the Examiner has not established a *prima facie* case of obviousness for claim 7, and the rejection thereto must be withdrawn.

For at least the reasons set forth above, Applicants submit that none of the references cited by the Examiner, either alone or in combination, teach all of the features of claim 7. Accordingly, Applicants further submit that dependent claims 8-11 are allowable because they depend from allowable independent claims, as well as for the further features they contain.

CONCLUSION

Having addressed each of the foregoing objections and rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: **March 7, 2005**

Respectfully submitted,

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AMENDMENT

AMENDMENTS TO THE DRAWINGS:

The one (1) attached drawing sheet in **APPENDIX A** replaces the sheet depicting FIG. 6A filed on November 21, 2001.

The changes made to FIG. 6A are described in the **Remarks** section beginning on page **11** of this paper.



APPENDIX A